

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

November 13, 2003

HENRICO TRAINING CENTER

GLEN ALLEN, VIRGINIA

10:30 AM to 12:30 PM

DRAFT MEETING SUMMARY (Revised 03/25/04)

1. Welcome and Introductions:

Mike Benedetto, RMDC Chair, called the meeting to order and welcomed the members of the Virginia Recycling Markets Development Council and members of the public to the meeting.

RMDC	Representing	Staff	Representing
Philip Abraham	Plastics Industry	Steve Coe	DEQ
Michael Benedetto	Paper Industry	Allan Lassiter	DEQ
Edward Duke	Recycling Industry	William Norris	DEQ
Robert Kerlinger	Composting Industry		
Brian Salmon	Aluminum Industry		
Michael Ward	Oil Industry	Visitors	Representing
		Andrew Bopp	Glass Industry
William Bailey	VDOT	Chip Goyette	Arlington County
Georgiana Ball	VDGS		
Michael Murphy	VDEQ		
William Vehrs	VDBA		
Absent RMDC			
Paul Alcantar	Urban PDC		
Paige Holloway	Public-At-Large		
Diane Jones	Rural PDC		
John Kline	Tire Industry		
Richard Lerner	Metal Industry		
Eddie Schneider	Waste Industry		
Tom Smith	VACO		
Douglas Wine	VML		
David Woodbury	Glass Industry		

2. Determining Quorum

A quorum for the Virginia RMDC has been established as a simple majority of the appointed members to the Council. The Council is fully represented by 15 appointed members. Therefore a minimum of 8 members must be present to establish a quorum. A total of 6 of the appointed members were in attendance at the start of the meeting. It was noted that 3 members of the RMDC had resigned. Paul Alcantar, representing Urban PDCs, had taken a position in Florida; Doug Wine, representing VML, had resigned due to health problems; and David Woodbury, representing the Glass Industry, no longer worked for that organization. The committee agreed that taking this into consideration that the current available appointed membership of the Council would stand at 12. **It was determined that 8 members needed to be present for a quorum.** Even though a representative of the Glass Industry, Andrew Bopp, was in attendance, he has not been officially appointed, so cannot count towards a quorum. Based on these discussions, the Chairman, conducted the meeting as an informational session.

3. Approval of Agenda

The Chair asked the committee members to review the meeting agenda. No objections were raised so the agenda was accepted.

4. Approval of Minutes

The Chair called for the pleasure of the Council on the draft minutes of the August 20, 2003 meeting of the RMDC. A motion to accept the minutes as presented was made by B. Salmon and seconded by E. Duke. The minutes were accepted.

5. Old Business

Chairman's Report - Presentation to Joint Legislative Subcommittee (House Joint Resolution 159): M. Benedetto informed the members that he and several other members of the Council (Phil Abraham, Ed Duke, and Diane Jones) had met with the Joint Legislative Subcommittee during their September 2003 meeting regarding the RMDC and its mission. He noted that based on these conversations and answers to follow-up questions from the Subcommittee, that revised legislative language concerning the mission and purpose of the RMDC had been drafted by Ms. Ginny Edwards, the Subcommittee's Legislative Assistant. He noted that the Subcommittee was meeting on Friday, November 14 and had asked for a position from the Council members in attendance on the proposed language.

Following a review of the proposed legislation by Council members, M. Benedetto asked P. Abraham to explain the major changes to the original proposed statute. P Abraham noted the following:

- JLARC did not like the draft revisions that were submitted to the Subcommittee.
- One concern articulated by the Subcommittee was that the draft language appeared to put into statute a Trade Organization.
- The Subcommittee also noted that it didn't appear that the Council was there to serve public entities; they appeared to exist solely to serve themselves.
- The Subcommittee members stressed that there was a need for a link to local governments, especially in rural areas. The "Upon Request" phrase was added in Section 2.2-2668.A.1 to address this concern.
- The remaining Duties and Purposes were modified to confirm with comments and concerns raised by the Subcommittee.
- A new general legislative policy dealing with "mandates" resulted in the language changes dealing with the consideration of nominations for positions on the Council. Nominations from groups will be considered during the appointment process but will not restrict the appointment of other individuals selected by the Administration.

P. Abraham noted that he had been requested by the Subcommittee to attend the meeting on Friday, November 14, to present the revised RMDC statute language and to present the position of the members of the RMDC. He also noted that the Subcommittee emphasized that no other members of the RMDC needed to attend.

M. Benedetto asked for comments from the members:

- W. Vehrs noted that on Page 1, Line 11, that there was no Department of "Economic Development". This should read "Business Assistance".
- M. Ward noted that on Page 3, Line 2 that the word "that" was repeated.
- Georgianna Ball asked whether we should consider including a representative from the "Electronics Industry"? It was noted that this addition would bring the Council membership to 20 members. (The members agreed that this suggestion would be forwarded to Ginny Edwards for possible inclusion in legislation for the upcoming session.
- M. Murphy raised a concern over the inclusion of the word "new" on Page 3, Line 2. He noted that in the past several committee members had raised an issue over the preferential treatment that "new" business received over existing businesses. W. Vehrs suggested that the word "new" be deleted and that language related to the "expansion or retention of existing businesses" be added to this section.
- P. Abraham raised a concern that the language "Upon request" might take away the ability of the Council to move forward with projects and efforts unless they were specifically asked by a locality. M. Benedetto responded that he didn't feel that the language would prevent them from taking the initiative for sharing information and their expertise with localities and state agencies as needed. P. Abraham noted that the Subcommittee wanted the Council to be cautious with efforts and wanted them to be specifically

available when localities and/or state agencies identified a need for their expertise. M. Ward noted that he felt that the language was broad enough, especially in items 3 and 4 on Pages 3 & 4 to give the Council enough mechanisms to do things.

M. Benedetto asked for the pleasure of the RMDC members. No opposition was noted. The chairman and committee members expressed their appreciation for the work that P. Abraham had done to get this proposal developed. The committee agreed that P. Abraham should present the proposed legislation to the Subcommittee and include the suggested revisions discussed by the Council.

M. Murphy reminded the Council that the position of the Secretary of Natural Resources had been to recommend elimination of the Council because the Council was not meeting its original mandate. He noted that the Secretary had not seen this new proposal and that he anticipated that the Subcommittee would be seeking a position from the Secretary, prior to their decision. He also informed the Committee that DEQ had been requested to attend the Subcommittee's November 14, 2003 meeting and that he would be attending as the Department's representative.

Subcommittee Reports: M. Benedetto asked for any subcommittee reports.

Local Government Subcommittee: P. Abraham noted that no work had been done on this subcommittee because of the pending JLARC Subcommittee action. He informed the Council that if the Council is continued that he hopes to begin work during the next quarter.

Annual Report Subcommittee: S. Coe indicated that he would be contacting D. Jones to determine the status of the Annual Report and the need for any DEQ staff support for this effort.

Recycling Rate Subcommittee: M. Murphy informed the Council that he and R. Lerner had not had an opportunity to meet and noted that the Recycling Rate Report update included under New Business would have been the Subcommittee's report.

6. New Business

Recycling Rate Report Update for CY 2002: S. Coe presented a summary of the Recycling Rate Report data reported by Virginia localities for CY 2002. He provided the Council with the following information:

- All Virginia localities had reported either as individual Solid Waste Planning Units (SWPUs) or as combined SWPUs.
- Virginia's calculated statewide average recycling rate for CY 2002, based on "as reported" data was 36.75%.

- The calculated statewide average recycling rate for CY 2001 was 37.78%.
- Last year, 19 localities and/or SWPUs did not meet the mandated 25% rate.
- DEQ conducted 12 Compliance Assistance meetings across the state to discuss the data collection systems and report development with these 19 localities/SWPUs. (Of the 19 localities that reported less than 25% for CY 2001, 6 reported rates at or above 25% for CY 2002, while all but one of the others reported an increase in their recycling rates.)
- For CY 2002, a total of 19 localities/SWPUs reported a recycling rate of less than 25%. DEQ plans to conduct additional Compliance Assistance visits to assist these localities/SWPUs in their recycling efforts.
- Of the 70 SWPUs that reported for CY 2002, 34 reported a decrease in recycling rate since CY 2001, while 36 reported an increased rate.
- The recycling information collected by DEQ's Waste Division is from different sources than the Recycling Rate Data collected for this report and therefore is included as a footnote to the Solid Waste Management Report.

M. Ward asked for an explanation of the weights included on the Recycling Rate Report summary sheet. S. Coe noted that all of the reported weighs had been reported in Tons before being used to calculate the rates. M. Ward suggested that there be a notation included on the Summary sheet noting that all measurements were in tons.

B. Salmon asked for a definition of "recycled" as used in the report. S. Coe indicated that "recycled" means that a locality has collected the material and has sent it to a processor to be recycled. Therefore, it has left the locality and is no longer part of the waste stream.

M. Benedetto asked for an explanation of what was meant by "disposed". S. Coe explained that it was intended for "MSW Disposed" to include material that was destined for a "disposal" site, including material to be incinerated and material to be landfilled.

E. Duke asked about the "commingled" category. S. Coe noted that there were a number of localities/SWPUs that either collected the materials as a single stream or reported their materials as a group for purposes of this report without a percentage breakdown for each separate item.

P. Abraham noted that the majority of the increases in Recycling Rate from last Calendar Year were in rural areas. Staff noted that they felt that the Compliance Assistance visits had been helpful in identifying additional recycling and or data collection opportunities in these areas.

Poultry Litter: M. Ward informed the Council that individuals had approached him from the Poultry Federation regarding the use of Poultry Litter. He indicated that apparently, due to new application guidelines that there was a supply of "extra" poultry litter available for applications beyond strictly farm use. He asked

if the Council would be interested in inviting someone from the Poultry Federation to present information at the next Council meeting. B. Kerlinger indicated that this was really a composting issue. He noted that on one side of the state we have an over abundance of wood chips and on the other an over abundance of poultry litter. The two need to be combined to produce a viable product. M. Murphy noted that it might be wise to include representatives from the Department of Agriculture in these discussions to cover the potential for additional regulations that would come into plan if the product was consider a fertilizer. The Council agreed to pursue this topic as an agenda item for their next meeting. M. Ward agreed to serve as the liaison with the Poultry Federation to arrange for a speaker on this topic.

MACREDO: M. Murphy informed the Committee that he and W. Vehrs were members of MACREDO and had recently attended a meeting of the group where information was presented that indicated that recycling on a national basis had reached a plateau at around 36 to 37%. He indicated that there was an interest in holding a Regional Conference (EPA Region 3 States) in Baltimore on recycling and "What it is that the private sector needs to do to help increase recycling?" "And why isn't it happening?" He stated that he had been asked to inform the Council about the upcoming conference and to determine if the Council was interested in participating. The Council agreed that there was interest in this type of effort and asked for additional information that they could share with their respective industries. G. Ball added that the Virginia Recycling Association was also interested in assisting the Maryland group in putting together this conference.

Virginia Recycles Day: S. Coe informed the Council that the Governor had issued a proclamation declaring November 15, 2003 as Virginia Recycles Day.

Virginia Recycling Association: S. Coe informed the Council that as part of ongoing outreach activities that the Virginia Recycling Association (VRA) had conducted 3 Workshops in different areas of the state (Blacksburg, Charlottesville and Chesapeake) to discuss various recycling topics and concerns. These workshops were well attended and well received by those attending. He recognized VRA for their efforts in holding these workshops.

7. Public Comment

Chip Goyette, representing Arlington County, indicated that Arlington County supports the work of the Council and would like to see it continue.

Andy Bopp, representing the Glass Industry and awaiting appointment to the Council, indicated that he thought that the meeting had been productive and expressed a hope that the Council would continue.

8. Meeting Schedule

M. Benedetto asked for the pleasure of the Council for the meeting schedule for the coming year. Staff indicated that the Council normally met at least quarterly during the year, so the next meeting should be scheduled for early spring. March 25th, 2004, was selected as the next meeting date for the Council. Staff will determine the availability of the Henrico Training Center for that meeting. The meeting will be scheduled from 10:30 till 12:00 and will include a "Bill Status" report, a presentation on poultry litter and possible uses of the material in composting or fertilizer programs.

9. Adjourn

The Chair asked for and received a motion to adjourn. R. Kerlinger moved and P. Abraham seconded the motion to adjourn. The meeting was adjourned at 12:00 Noon.